

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

January 10, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 10, 2002, at 12:00 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Dorman Blake, Elizabeth Bishop, John McKay, Jr., Bud Hentzen, David Wells, Bill Johnson, Harold Warner, Don Anderson, Frank Garofalo, Ron Marnell, Kerry Coulter, Ray Warren, Jerry Michaelis, Chair (late arrival) and James Barfield (late arrival). Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Donna Goltry, Principal Planner; Scott Knebel, Senior Planner; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jess McNeely, Associate Planner; and Rose Simmering, Recording Secretary.

1. **Approval of the MAPC minutes for December 5, 2001.**

MOTION: That the minutes for December 5, 2001 be approved.

JOHNSON moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

2. **Consideration of Subdivision Applications**

MICHAELIS indicated that agenda item 2-1 will be held out for right now.

MOTION: Items 2-2 through 2-8 be approved.

MCKAY moved, **WARNER** seconded, and it carried unanimously (14-0)

2/1. **SUB2001-114** – Final Plat of ZEIGLER ADDITION, located on the northeast corner of 135th Street West and Central.

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lot being platted.
- B. The applicant shall guarantee the extension of City water to serve the lot being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City/County Engineering** needs to comment on the status of the applicant's drainage concept. **City Engineering has confirmed that on-site detention is proposed to limit stormwater runoff to existing conditions. The neighboring residents have requested a meeting with City Engineering to review the drainage plan prior to the final plat review.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes one access opening along both 135th St. West and Central. In accordance with the Subdivision regulations, any access openings located within 250 feet of the intersection of Central and 135th St. West are limited to right-turns only, and shall be referenced on the face of the plat; or a guarantee provided for the future construction of a raised medial. The final plat shall reference the dedication of access controls in the plat's text. **Traffic Engineering has required the access point along Central to be aligned with Forestview. A restrictive covenant shall be submitted that requires the closure of the existing openings along Central and 135th St West upon the establishment of a new use.**
- F. **Traffic Engineering** needs to comment on the need for additional right-of-way. The applicant has platted a triangular corner clip with a 60-ft right-of-way. **Traffic Engineering has required a contingent dedication for the standard 75-ft right-of-way for the arterial intersection which shall become effective upon issuance of a building permit for another use.**
- G. The applicant is advised that in regard to the portion of the building within the building setback; that while such areas of the existing structure may be maintained, no enlargement of the building in such area will be allowed and if removed, all subsequent rebuilding shall observe building setbacks.
- H. On the final plat, the plat's text shall note the dedication of the streets to and for the use of the public.
- I. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay (referenced as P-O #48) and its special conditions for development on this property.
- J. The final plat shall be submitted with a revised name as an Addition within Wichita exists with the name "Ziegler Addition". It is recommended that a greater name distinction be created by adding a first initial.
- K. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on

the final plat or else documentation provided indicating that such mortgage has been released.

- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- U. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

NEIL STRAHL, Planning Staff, presented the staff report, and indicated their were neighbors present wishing to comment on the plat.

BURT OVERFIELD, Rainbow Lakes Addition resident, talked about the meeting he attended with staff where the drainage plan was discussed. He also expressed his opinion that the notice advising neighbors that the plat was up for review was not correct.

GAROFALO Asked Mr. Overfield if he was satisfied with the drainage plan?

OVERFIELD Indicated that he felt that the drainage plan did nothing to prevent another Halloween flood, and that the applicant had obtained two platting extensions that violated the City Council's motion that approved the zone change requiring the property be platted within one year.

GAROFALO Asked Phil Meyer, agent for the applicant, what was his explanation?

PHIL MEYER Stated the reason it took so long for the plat to be completed was that the husband passed away and the applicant's attorney, Bob Kaplan, had requested the extensions. Mrs. Ziegler wants to sell the property some day and City Engineering has approved the drainage plan.

BARFIELD Inquired how strict are the rules once these plats are approved? Was is unusual for two extensions to be given?

KROUT It is not usual that we give a two-year extension. There was a hardship in the family. The City Council approved the second extension.

HETNZEN All we are doing today is approving or disapproving the final plat then.

MOTION: Approve the final plat for the Zeigler Addition.

WARREN moved, **MARNELL** seconded the motion, and it carried unanimously (14-0).

KROUT There is an ongoing study of the Cowskin and its flooding. It is expected the study will contain proposals with standards and guidelines. I have been increasingly uncomfortable about the way we allow filling of flood plain fringe areas to floodway lines, and how we allow detention structures to pass through the stormwater at higher rates for more frequent storms. We may need to rethink, with Engineering and Public Works, the way we evaluate drainage. I am hoping that study will be done soon.

MICHAELIS Welcomes the public and reads the public hearing statement.

- 2/2. SUB2001-125** – One-Step Final Plat of MULLER ADDITION, located on the north side of Maple, between I-235 and West Street.
- A. Municipal services appear to be available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements.
 - B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - C. **City Engineering** needs to comment on the status of the applicant's drainage plan.
 - D. In accordance with the zone change approval, the plat proposes complete access control along Maple and two access openings along Bebe. **Traffic Engineering** needs to comment on the need for determining the locations of the two openings.
 - E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
 - F. As a commercial lot abutting a non-arterial street, the Subdivision regulations require a sidewalk along Bebe.
 - G. Based upon the legal description shown on the plat, the site involves a 10-ft dedication of street right-of-way for Maple. The plat's text shall reference such dedication.
 - H. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
 - I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
 - J. The Applicant has platted a 10-ft building setback along Bebe which represents an adjustment of the Zoning Code standard of 20 feet for the NR District. (Bebe is classified as the Lot Frontage due to access from this street.) The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
 - K. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
 - L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
 - M. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
 - N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
 - O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
 - P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
 - Q. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
 - R. Perimeter closure computations shall be submitted with the final plat tracing.
 - S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
 - T. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
 - U. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this

plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

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- 2/3. SUB2001-126** – One-Step Final Plat of REFLECTION RIDGE WEST 2nd ADDITION located on north of 21st Street North and on the east side of Tyler Road.
- A. Petitions have been previously submitted with Reflection Ridge West Addition for sewer, water, paving, and drainage. **City Engineering** needs to comment on the need for a respread agreement for special assessments due to the lot reconfiguration.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan.
- D. In accordance with the CUP, the plat proposes two access openings along Tyler. The CUP also required a 300-ft minimum separation between the openings which should be denoted on the face of the plat. The final plat tracing shall reference the access controls in the plat's text. **Traffic Engineering has required the relocation of the south opening denoted on the site plan to the north to align with the north parking aisle. Complete access control needs to be dedicated along Tyler south of this opening.**
- E. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP (referenced as CUP 2000-00028) and its special conditions for development on this property.
- F. The plat encompasses Parcels 1, 1A, 1B and 1C of the associated CUP. A CUP adjustment may need to be approved to have the parcel boundaries coincide with the lot.
- G. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- H. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- J. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- L. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- O. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- P. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

- 2/4. SUB2001-127** – One-Step Final Plat of WOODLAND LAKES COMMUNITY CHURCH ADDITION, located on the northwest corner of Harry and Broadway.
- A. Petitions have been submitted with Cedar View Addition for paving and sewer improvements. **City/County Engineering** needs to comment on the need for a respread agreement for special assessments due to the lot reconfiguration.
 - B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - C. **City Engineering** needs to comment on the status of the applicant's drainage plan. If any drainage will be directed onto I-35, a letter shall be provided from KDOT indicating their agreement to accept such drainage.
 - D. **Traffic Engineering** needs to comment on the need for any improvements to perimeter streets.
 - E. **Traffic/County Engineering** needs to comment on the access controls. The plat proposes two access openings along Greenwich. Distances should be shown for all segments of access control. **Traffic Engineering has approved the south opening along Greenwich.**
 - F. The Applicant is advised that if platted, the building setback along Greenwich must be 35 feet to conform with the Zoning setback standard for County section line roads.
 - G. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
 - H. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
 - I. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
 - J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
 - K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
 - L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
 - M. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
 - N. Perimeter closure computations shall be submitted with the final plat tracing.
 - O. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
 - P. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
 - Q. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

- 2/5. SUB2001-128** – One-Step Final Plat of MINNEHA ELEMENTARY SCHOOL ADDITION, located north of Central on the west side of Webb Road.
- A. Municipal services appear to be available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements.
 - B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- C. **City Engineering** needs to comment on the status of the applicant's drainage plan.
- D. **Traffic Engineering** needs to comment on the need for any improvements to perimeter streets.
- E. **Traffic Engineering** needs to comment on the access controls, particularly the need for minimum separation between openings. The plat proposes four access openings along Webb. Distances should be shown for all segments of access control.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- G. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

2/6. SUB2001-129 – One-Step Final Plat of SOWERS ADDITION, located south of Pawnee and east of I-135.

- A. Municipal services appear to be available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan and the need for any reserve areas.
- D. The 30-ft dimension along Spruce needs to be identified as half-street or full street right-of-way.
- E. The Park and Pathways Plan indicates a greenway abutting this plat. A public access easement should be platted along

both south and west property lines.

- F. The width of the Wassall right-of-way needs to be denoted.
- G. The interior lot line needs to be removed.
- H. The year "2002" needs to replace "2001" within the signature blocks.
- I. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

2/7. DED2001-39 – Dedication of Street Right-of-Way, located on the south side of 61st Street South, and west of Seneca.

CASE NUMBER: DED 2001-39 -- Dedication of Street Right-of Way from J.Rocksey Powell and Jacquelynne A. Powell, for property located on the south side of 61st Street north, west of Seneca.

OWNER/APPLICANT: J. Rocksey Powell and Jacquelynne A. Powell, 1321 Columbia Terrace, Wichita Kansas 67204

LEGAL DESCRIPTION: The East 10 feet of lot 106, in "VANVIEW", Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of a Lot Split SUB 2001-122, and is being dedicated for additional right-of-way along Sullivan Avenue.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

2/8. DED2001-40 – Dedication of 20-Foot Utility Easement, located south of 48th Street South and on the west side of Broadway.

CASE NUMBER: DED 2001-40 -- Dedication of Utility Easement from Midway Southern Baptist Church Addition, for property located south of 48th St. South, on the west side of Broadway.

OWNER/APPLICANT: Goodwill Industries, Marie Mareda, PO Box 8109, Wichita KS 67208

LEGAL DESCRIPTION: The part of Lot 1, Midway Southern Baptist Church Addition, Wichita, Kansas, described as beginning at the N.E. Corner of said Lot 1; thence west, along the north line of said Lot 1, 50 feet; thence south, parallel with the east line of said Lot 1, 46.89 feet to the center line of the sewer easement, 54.72 feet to the east line of said Lot 1; thence north, along the east line of said Lot 1, 25 feet to the place of beginning.

PURPOSE OF DEDICATION: This Dedication is a requirement of lot Split No. SUB 2001-112, and is being dedicated for an off-site utility easement.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

2/9. **SUB2001-122** – Request for modification of Street Right-of-Way width, located on the south side of 61st Street north, west of Seneca.

NEIL STRAHL, Planning Staff presented staff report and indicated that Traffic Engineering had approved the request.

MOTION: That the request to modify the street right-of-way width be approved.

BARFIELD moved, **WARNER** seconded the motion, and it carried unanimously (14-0).

ZONING:

3. **Consideration of Vacation Items**

MOTION: Items 3-1 through 3-4 be approved.

GAROFALO moved, **COULTER** seconded the motion, and it carried unanimously (14-0).

3/1. **VAC2001-00043** – Request to vacate building setback, generally located northwest of the 47th Street S – Meridian Avenue intersection.

APPLICANT/OWNER: Community Bank of Wichita

AGENT: AG Maddy

LEGAL DESCRIPTION: The north 0.5-ft of the south 25-ft of Lot 17, Blk 6, Angel Acres an addition to Wichita, Sedgwick County, Kansas

LOCATION: Generally located northwest of the 47th Street S – Meridian Avenue intersection.

REASON FOR REQUEST: Existing foundation/residence encroachment.

CURRENT ZONING: Subject property is zoned "SF-5" Single Family Residential. Properties to the south, east and west are zoned "SF-5" Single Family Residential. Property to the north is zoned "SF-20" Single Family Residential.

This case was deferred from the MAPC meeting of 10-18-01. At that time the applicant was seeking two actions: 1) the vacation of a portion of a platted 25 foot front yard setback and 2) the vacation of what was thought to be a platted 50-foot setback from the centerline of a pipeline easement that runs along the west property line of the lot. Williams Gas Pipeline set this setback from the centerline of the pipeline. The applicant has obtained from Williams Gas Pipeline permission to encroach 1.8 feet into their pipeline easement.

A property survey by the applicant revealed the existence of a 0.2-foot encroachment by the residence located on this lot into the platted 25-foot front yard setback. Only the southeast corner of the residence encroaches into the setback. If the vacation is approved, no utility easements will be affected nor with the abutting lots be impacted. Planning staff recommends the vacation of 1-foot of the 25-foot front yard setback.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time October 18, 2001, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the building setback line, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner(s), the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of building setback line described in the petition should be approved subject to the following conditions:
1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 2. All improvements shall be according to current City Standards.
 3. Vacate the north 1-ft of the 25-ft building setback line on the south part of Lot 17, Blk 6, Angel Acres an addition to Wichita, Sedgwick County, Kansas

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to current City Standards.
3. Vacate the north 1-ft of the 25-ft building setback line on the south part of Lot 17, Blk 6, Angel Acres an addition to Wichita, Sedgwick County, Kansas

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **COULTER** seconded the motion, and it carried unanimously (14-0).

3/2. VAC2001-00061 - Request to vacate 10-feet of a platted 20-foot utility easement, generally located southeast of the 13th Street North – 119th Street West intersection.

OWNER/APPLICANT: Richard & Shirley Darge

LEGAL DESCRIPTION: The 10-foot portion, of a platted 20-foot utility easement between Lots 12 & 13, Briarwood Estates Addition, located on the north side of Lot 12 and ending at its point of intersection with the 40-foot utility easement on the west side and at its point of intersection with the 20-foot utility easement on its east side.

LOCATION: Generally located southeast of the 13th Street North – 119th Street West intersection.

REASON FOR REQUEST: The applicant proposes to build a two-car garage on this side of the property.

CURRENT ZONING: Subject property is zoned SF-5 Single Family. Properties to the north, south, east and west are zoned SF-5 Single Family.

The applicant is requesting the vacation of the 10-foot portion, of a platted 20-foot utility easement between Lots 12 & 13, Briarwood Estates Addition, located on the north side of Lot 12. There are no City utilizes located in the easement. The applicant proposes to build a two-car garage on this side of the property.

Planning Staff recommends vacating the 10-foot portion, of a platted 20-foot utility easement between Lots 12 & 13, Briarwood Estates Addition, located on the north side of Lot 12 and ending at its point of intersection with the 40-foot utility easement on the west side and at its point of intersection with the 20-foot utility easement on its east side.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time December 20, 2001, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the utility easement, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner(s), the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of utility easement described in the petition should be approved subject to the following conditions:

1. Vacate the 10-foot portion of the platted 20-foot utility easement between Lots 12 & 13, Briarwood Estates Addition, located on the north side of Lot 12 and ending at its point of intersection with the 40-foot utility easement on the west side and at its point of intersection with the 20-foot utility easement on its east side.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Vacate the 10-foot portion of the platted 20-foot utility easement between Lots 12 & 13, Briarwood Estates Addition, located on the north side of Lot 12 and ending at its point of intersection with the 40-foot utility easement on the west side and at its point of intersection with the 20-foot utility easement on its east side.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **COULTER** seconded the motion, and it carried unanimously (14-0).

-
- 3/3. VAC2001-00062** - Request to vacate a portion of a platted utility easement, generally located south of Central and between 144th Street East and 155th Street East.

OWNER/APPLICANT: Robert & Susan McKay

LEGAL DESCRIPTION: The 15-ft x 25-ft portion/heel located on the northeast portion of the platted 20-ft utility easement on the upper southwest section of Lot 3, Shadybrook Farm 2nd Addition.

LOCATION: Generally located south of Central and between 144th Street East and 155th Street East.

REASON FOR REQUEST: The applicant proposes to build a swimming pool.

CURRENT ZONING: Subject property is zoned SF-20 Single Family. Properties to the south, east and west are zoned SF-20 Single Family. Property to the north is zoned SF-20 Single Family and SF-5 Single Family.

The applicant is requesting consideration to vacate the 15-ft x 25-ft portion/heel of a platted utility easement, located on the southeast portion of the platted easement and on the upper southwest section of Lot 3, Shadybrook Farm 2nd Addition. The applicant proposes to build a swimming pool. The vacation of the 15-ft x 25-ft 'heel' will not affect existing City utilities.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time December 20, 2001, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described portion of the utility easement, and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of utility easement described in the petition should be approved subject to the following conditions:

1. Vacate the 15-ft x 25-ft portion/heel located on the northeast portion of the platted 20-ft utility easement on the upper southwest section of Lot 3, Shadybrook Farm 2nd Addition.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Vacate the 15-ft x 25-ft portion/heel located on the northeast portion of the platted 20-ft utility easement on the upper southwest section of Lot 3, Shadybrook Farm 2nd Addition.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **COULTER** seconded the motion, and it carried unanimously (14-0).

-
- 3/4. VAC2001-00063** - Request to vacate a portion of a platted 16-foot sewer easement, generally located northwest of Pawnee West – Seneca South intersection.

OWNER/APPLICANT: Fount K Harley Trust

AGENT: Don Moehring II

LEGAL DESCRIPTION: Beginning at a point 20.00-feet west and 67.00 feet south of the northeast corner of Lot 1, Coleman Detweiler Addition to Wichita, Sedgwick County, Kansas, thence west parallel with the north line of said Lot 1, a distance of 16.00 feet, thence south parallel with the east line of said Lot 1, a distance of 71.20 feet to a point in the north line of the 16 foot sewer easement in said Addition, thence east 16.07 feet to a point 20.00 feet west of the east line of said Lot 1, thence north to the point of beginning . (Partial vacation of an easement dedicated by separate instrument, 06-12-1968, Misc Book 622, page 263)

Beginning at appoint 116.27 feet north of the southwest corner of Lot 1, Coleman-Detweiler Addition to Wichita, Sedgwick County, Kansas, said point being on the south line of the 16-foot sewer easement as platted in said Addition; thence Easterly along the south line of said 16 -foot sewer easement, a distance of 120.56-feet to a point 20.00-feet west of the east line of said Lot 1; thence north parallel with the east line of said Lot 1, a distance of 16.07-feet to a point in the north line of said 16-foot sewer easement; thence westerly along the north line of said 16-foot sewer easement, a distance of 120.56-feet to a point in the west line of said Lot 1; thence south 16.07-feet to the point of beginning.

LOCATION: Generally located northwest of Pawnee West – Seneca South intersection.

REASON FOR REQUEST: The applicant proposes to redevelop.

CURRENT ZONING: Subject property is zoned LC Limited Commercial. Properties to the south, east and west are zoned LC Limited Commercial. Property to the north is zoned SF-5 Single Family Residential.

The applicant is requesting the vacation of the 16-foot platted sewer easement, located on Lot 1, Coleman - Detweiler Addition, excluding the east 20-foot of Lot 1. The applicant is also requesting the partial vacation of a sewer easement dedicated by separate instrument. The applicant proposes to redevelop the property as Boeing Credit Union. There is a sanitary sewer line in the easements, which the applicant is working with Public Works to re-route.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time December 20, 2001, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the utility easements, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner(s), the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of utility easements described in the petition should be approved subject to the following conditions:
1. Guarantee to abandoned the sanitary sewer line and its relocation.
 2. Keep the easements as a temporary easements until the sewer line and any private utilities are relocated.
 3. Dedicate new easement by separate instrument to cover relocated sewer line or any other relocated utilities.
 4. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 5. All improvements shall be according to City Standards.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions

1. Guarantee to abandoned the sanitary sewer line and its relocation.
2. Keep the easements as a temporary easements until the sewer line and any private utilities are relocated.
3. Dedicate new easements by separate instrument to cover relocated sewer line or any other relocated utilities.
4. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
4. All improvements shall be according to City Standards

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **COULTER** seconded the motion, and it carried unanimously (14-0).

5. **CON2001-00061**- Komp Living Trust (owner), Rufus J. Komp (trustee) request a Conditional Use to allow "Mining and Quarrying," the excavation of fill material on property described as:

That part of the W1/2, NW1/4, Section 15, T28S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning at the NW corner of the NW 1/4 of Section 15, T28S, R2W of the 6th P.M., thence bearing S 00 degrees 13'10"E along the west line of said NW 1/4 a distance of 1472.52 feet; thence bearing S 88 degrees 35'E a distance of 1326.03 feet; thence bearing N 0 degrees 16'14"W along the east line of the W 1/2 of the NW 1/4 a distance of 1541.92 feet to the NE corner of said W 1/2 of NW 1/4; thence bearing S 88 degrees 24'57"W along the north line of said W 1/2 of NW 1/4 a distance of 1324.49 feet to the point of beginning; except the north 40 feet and the west 55 feet for road R/W; and except that part lying easterly and northerly of the center line of the Cowskin Creek. Generally located at the Southeast corner of Ridge Road and MacArthur.

BACKGROUND: The applicant requests a Conditional Use to allow "Mining and Quarrying" for the excavation of fill material to be used on west side projects proposed in the next seven years. It is estimated that seven years worth of fill material exists on the site. The undeveloped property, located southeast of the MacArthur and Ridge Road intersection, is currently zoned "LC" and "SF-20"; the site is 27.4 acres in size, only 13.9 acres are to be excavated. The applicant intends to excavate to a depth of 10 feet, excavating from the east to the west, see the attached site plan. Testing of the area by the applicant's engineer indicates that groundwater is not present at this depth. Proposed access to the site is located 375 feet south of MacArthur Road. Existing access is via a field entrance located at the south end of the tract. Setbacks ranging in distance from 50 feet to 600 feet are shown on the site plan. The site is currently fenced by a 5-strand barbed wire fence. A KGE water well exists in the northwest corner of the site, the Cowskin Creek borders the northern side of the site, and the property lies within the 100-year flood plain.

Of some concern in this request is the potential for pollutants, sediment and erosion from the excavation site to enter Cowskin Creek through storm water runoff. A 100-foot stream buffer, with existing natural vegetation, can help to remove pollutants from storm water runoff before entering the Creek.

North of the application area is property zoned "LC" and "SF-20," and developed with businesses, agricultural uses, and single-family residences. The property south of the application area is under the same ownership as the application area; it is zoned "SF-20" and developed with a single-family residence. East of the application area is property zoned "SF-20," some of this property is developed with agricultural uses. West of the application area is property zoned "LC" and "SF-20," and developed with agricultural uses.

A similar extraction Conditional Use was approved in 1973 for a site approximately 2,500 feet south of the application area.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20," "LC"	businesses, agriculture, single-family residence
SOUTH:	"SF-20"	single-family residence
EAST:	"SF-20"	agriculture
WEST:	"SF-20," "LC"	agriculture

PUBLIC SERVICES: The property is located along Ridge Road, a two-lane, paved section line road. The existing half-width right of way on this section of Ridge Road is 55 feet; County Public Works has indicated a desire to increase that half-width right of way to the desired standard of 70 feet. The traffic count as of July 2000 was 2,260 cars per day (ADTs) on this section of Ridge. The projected traffic volume for 2030 is 3,800 cars per day. The agent for the applicant estimates 125 trips per day generated by the requested Conditional Use. No street projects are included in the C.I.P., and the 2030 *Transportation Plan* shows this section of Ridge remaining a two-lane arterial. The property currently has one drive entrance onto Ridge Road.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "low density residential," reflecting the predominant zoning pattern, and the likelihood that sewer and water will be extended to this area to allow urban densities. The new draft revisions to the Guide propose "low density residential" and "commercial" land uses, reflecting the actual zoning. The Plan recommends that the extraction use location be compatible with the built and natural environment.

The application area is within the FEMA 100 year flood plain. The Wichita Sedgwick County Subdivision Regulations allow for development within floodplains provided that buildings and public service facilities are elevated or floodproofed above the Base Flood Elevation.

The Unified Zoning Code lists "Mining or Quarrying" as a Conditional Use in the "LC" and "SF-20" zoning districts. The Zoning Code lists 23 conditions with which "Mining or Quarrying" should comply; these conditions exist for public safety, and to mitigate any negative effects the extraction may have on surrounding properties. Not all of these conditions are applicable to the proposed fill material excavation. Should the Planning Commission recommend modifications to one or more of the Unified Zoning Code conditions for the requested Conditional Use, the request must then be forwarded to the Governing Body for final action.

RECOMMENDATION: With the proper conditions in place, this proposal should not have a detrimental affect on the surrounding properties, as they are developed with agriculture, or well screened by existing natural vegetation. The conditions suggested below

should mitigate potential negative impacts caused by this Conditional Use. Required permits and drainage plans should further ensure the safe operation of the Conditional Use. Existing services are adequate for the proposed Conditional Use. Because of its location in a flood plain, development of the application area for commercial or residential uses would be difficult.

For these reasons and based on information available prior to the public hearings, Staff recommends that the Conditional Use request be **APPROVED**, subject to the following conditions:

1. Dedication of right of way on Ridge and MacArthur to bring the application area in conformance with Subdivision Regulations. The instrument of dedication to be submitted to County Public Works prior to commencing operations.
2. An extraction plan, and modified site plan, shall provide for a minimum 100-foot buffer area to be maintained between the centerline of Cowskin Creek and the excavation area.
3. The extraction operation on the site shall proceed in accordance with an operational plan to be approved by the Planning Commission. The perimeter of the excavation shall conform to the approximate size and shape indicated on the approved operational plan. To assist in the enforcement of the operational plan, a copy of the approved operational plan shall be posted on the site.
4. The operational plan shall illustrate which area is to be excavated and in what phase.
5. Adjacent to the perimeter of the application area, a minimum 48-inch high, five strand barbwire fence shall be constructed prior to the beginning of any extraction operation and shall be maintained at the locations depicted on the approved operational plan. Driven posts shall be placed a minimum of 100 feet from the centerline of the Cowskin Creek on the northern boundary of the application area, marking a 100-foot stream buffer. The posts shall not be set more than 50 feet apart.
6. The owner of the property shall be responsible for minimizing blowing dust from the site. To minimize blowing soil, overburden shall not be removed more than six months in advance of the excavation area being expanded, per the operational plan, unless the ground is covered within the next planting season with a perennial drought-resistant grass or combination of which will permit the establishment of sod cover to help prevent erosion. As part of the required operational plan, the site shall be divided into at least two distinct areas for the purpose of showing phased excavation over time.
7. All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses that will permit the establishment of sod cover to help prevent erosion. A \$1,500 bond for the purpose of ensuring slope stabilization shall be submitted to the MAPD prior to commencing operations.
8. To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be no steeper than four horizontal to one vertical above any future water table. The side slopes of the extraction shall be no steeper than one horizontal to one vertical below any future water table.
9. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the city or county legal counsel (as applicable), prior to the commencement of any extraction providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction area.
10. The storage of equipment or stockpiling of sand or overburden is not permitted closer than 100 feet to any public right of way, closer than 100 feet to the centerline of Cowskin Creek, or closer than 50 feet to any property line.
11. Nothing in the approval of a Conditional Use shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the extraction operation, the land surrounding the excavation pit shall be properly graded and planted with a vegetative cover. Also, all stockpiled material and related excavation equipment shall be removed from the subject site.
12. The Conditional Use for the extraction operation shall be valid for a period of 7 years.
13. Hours of operation for extraction shall be limited to 6:00 a.m. to sunset.
14. The applicant shall make the site available to the Wichita-Sedgwick County Health Department for the installation and management of groundwater monitoring wells.
15. Any on-site storage of fuels or chemicals must be approved by the Wichita-Sedgwick County Health Department.
16. A drainage plan shall be submitted to and approved by County Public Works prior to starting the extraction operation. All of the area included within the fenced extraction operation shall be graded in accordance with the approved drainage plan. Said plan shall be designed to minimize the discharge of sediment and other potential contaminants into the Cowskin Creek. Additional requirements, such as a public drainage easement, a floodway reserve, or a covenant authorizing the site for use as a detention storage facility for public drainage purposes, may be required as a condition of approval for the drainage plan. The extraction area shall be developed so as to not become a wetland area.
17. All operational roads shall be maintained in a sand or graveled condition and shall be treated with water or other acceptable dust retardant to minimize blowing dust.
18. All applicable local, state, and federal permits necessary for the extraction operation and for flood plain development shall be obtained and maintained.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The properties surrounding the application area are zoned "SF-20," with "LC" zoning at the corner of Ridge and MacArthur. The area is dominated by agricultural uses, and is primarily rural in character. Because the surrounding properties are developed with agricultural uses, and are well screened by existing natural vegetation, the Conditional Use should not negatively affect the character of the neighborhood. Provided that a sufficient buffer and drainage plan prevent excavation site pollutants and sediment from entering Cowskin Creek, downstream neighbors should not be negatively affected.
2. The suitability of the subject property for the uses to which it has been restricted: The application area could be developed for commercial and single-family residential use, but its location in a floodplain would make development of those uses difficult.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The conditions provided in the Unified Zoning Code for this Conditional Use should prevent any detrimental affect on nearby property. These conditions work to mitigate any negative dust, noise, or environmental effects. The fencing requirement should prevent trespassing and accidents on this property. The Creek buffer and drainage plan requirements should prevent pollutants and sediment from affecting downstream properties. Prevention of the extraction area from becoming a wetland area will prevent the attraction of waterfowl and other birds to the application area, as the application area is within 10,000 feet of an airport facility.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Comprehensive Plan* does not specifically address "borrow pits"; however, the plan does recognize the uniqueness of mining and extractive resources (e.g. sand, gravel, clay soils, etc.). The Plan recommends that the extraction use location be compatible with the built and natural environment.
5. Impact of the proposed development on community facilities: Traffic to and from the requested Conditional Use at this location will increase the daily trips on this section of Ridge; this increase should not exceed the safe capacity of this road. The recommended 15-foot right of way dedication would allow for further widening of Ridge, should an increase in traffic make widening necessary.

JESS MCNEELY, Planning Staff, presented the staff report. He indicated that there were some differences between the report that had been mailed and the revised staff report the Commission received today.

MCKAY asked what is the difference in these two reports?

MCNEELY indicated that primarily he had to modify Condition Number 1 dealing with the dedication of right-of-way on Ridge Road. Condition Number 3 was updated to reflect the operation plan and the phasing of excavation. Condition Number 4 was revised with respect to the life span of the project. Condition Number 5 was changed to permit a 48-inch high, five strand barbwire fence instead of a chain-link fence. Conditions Numbers 7 and 8 address the need for a bond to insure bank stabilization and erosion control, and indicated extraction shall be no steeper than four horizontal feet to one vertical foot above any future water table. The site plan was revised as well.

GARY WILEY Agent for the applicant, indicated he was in agreement with staff comments.

JOHNSON Asked if the applicant had completed a similar project south of the application area?

WILEY Indicated he had.

JOHNSON stated that they did a nice job on the other site and asked about traffic on MacArthur?

WILEY Noted that this site was selected because of traffic circulation and the site's proximity to projected west side development.

JOHNSON Indicated that he felt the intersection there was dangerous.

WILEY Stated that they were going to put in a temporary haul road that was to be quite a distance from the intersection.

KROUT Noted that signalization has to meet the State requirements, and he would request the county to monitor the traffic.

WARREN How is this land going to be used when this is done?

WILEY Single-Family housing

WARREN Noted that the excavation was to be above the water table, and asked if the applicant would have water in this hole?

WILEY Responded that Ridge Road can become impassable when the water on the Cowskin is up. We will have to keep it pumped and the overflow will go into the pond located just south of the barrow area.

DUANE HOUSERMAN, property owner near the application area, stated he supports the proposal.

MOTION: Approve the request as indicated in the amended staff report.

MCKAY moved, **JOHNSON** seconded the motion, and it carried unanimously (14-0).

property described as:

Lot 22, Robson Heights Addition, Wichita, Sedgwick County, Kansas. Generally located South of 30th Street South and east of Osage.

BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory apartment on Lot 22, Robson Heights Addition, located approximately 210 feet west of Osage Avenue on the south side of 30th Street South. The property is zoned "SF-5" Single-Family Residential. The request is being made to allow an apartment over a garage on the rear of the property.

The existing home is located near the front of the property, approximately 30 feet from 30th Street South. The garage/accessory apartment is located at the rear of the property approximately 10 feet from the rear and side property line. The lot is deep (277 feet), which gives ample distance between the primary residence on the front of the lot and the accessory apartment on the rear.

The surrounding area is developed with single-family residences. The lots to the east and west of Lot 22, Robson Heights, are the same size (70' x 277.5' or 19,425 square feet) along the entire block face between Osage and Exchange Place. The lots to the north and south are essentially the same size of slightly below 20,000 square feet. At least one other property in the vicinity appears to have an accessory apartment or extra living space above a detached garage on the rear of the lot. In addition, there are several large garages in the vicinity, including one located on the adjoining lot to the south.

As per the Unified Zoning Code, the "Conditional Use" requirements for accessory apartments stipulate the following:

- (a) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;
- (c) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium; and
- (d) the water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

While the request meets these requirements, the ownership pattern and access is unusual for an accessory apartment situation. The adjoining property, Lot 23, is in the same ownership as Lot 22. The applicants intend for the accessory apartment to have access via a spur from the driveway on Lot 23 where they live, rather than from a drive extending over Lot 22.

CASE HISTORY: Robson Heights was platted July 26, 1950.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single-Family	Residence
SOUTH:	"SF-5" Single-Family	Residence
EAST:	"SF-5" Single-Family	Residence
WEST:	"SF-5" Single-Family	Residence

PUBLIC SERVICES: Access to the site is 30th Street South, a local residential street. Other normal services are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Comprehensive Plan Update designates this area as being appropriate for "low density residential." By definition, low density residential has a density range of 1 to 6 units per acre, and includes single-family detached homes, zero lot line units and cluster subdivisions. The Land Use-Residential Goal/Objective II.A encourages residential redevelopment, infill and higher density residential development. The site is located in the "revitalization" area of the Wichita Residential Area Enhancement Strategy Map, where one of the strategies is to encourage well-designed infill housing.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. The site shall be developed in general conformance with the approved site plan. Access to the accessory apartment shall be via a driveway connecting to the existing driveway on the adjoining Lot 23, or shall be provided with an all-weather parking area and driveway on Lot 22 meeting the requirements of Section IV -A of the Unified Zoning Code.
4. The owner of the property shall reside on Lot 22, either in the main home or the accessory apartment, or in the event that ownership of Lots 22 and 23 is held by the same owner, the owner may reside on either Lot 22 or Lot 23.

5. Prior to publishing the resolution establishing the Conditional Use, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as CON2001-00060) includes special conditions for development on this property.
6. Any violation of these conditions shall render this Conditional Use Permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding zoning is "SF-5" Single-family. Placement of this accessory apartment does not violate the density requirements for the "SF-5" zoning district. The apartment would be similar to the primary structure in residential character.
2. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a "Conditional Use" in "SF-5" provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet these criteria.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the large size of the lot. The apartment will be placed toward the rear of the deep lot, so as not to be as immediately visible from the street. A large garage on the adjoining lot to the south somewhat separates the garage/accessory apartment from the residence to the south. The requirement that the owner occupies either the principal residence or the accessory structure, or occupies the principal residence on the adjoining lot to the east helps ensure that the properties do not become a cluster of rental units without any owner occupancy.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "SF-5". This application appears to comply with all the provisions outlined in the UZC for accessory apartments. Approval of the request would not be contrary to any Comprehensive Plan policies or guidelines, and would be supported by the residential land use objective of encouraging infill, as well as the Enhancement Strategy Map showing the area for "revitalization" by encouraging well-designed infill housing.
5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities.

DONNA GOLTRY, Planning Staff, presented the staff report.

GAROFALO How will this be used?

GOLTRY The owner of Lot 22 or Lot 23 will reside on either property.

ROYCE LATRHOP, applicant, stated that he agreed with the staff recommendations.

GAROFALO Is this going to be a rental property?

LATHROP It is for my college student age children.

MOTION: Approve the request as recommended.

HENTZEN moved, **WELLS** seconded the motion, and it carried unanimously (13-0). **WARREN** was temporarily out of the room.

6a. **ZON2001-00071** – Lawrence Edward & Winifred Mary Albert, Trustees, Lawrence Edward Albert Trust and Winifred Mary Albert Trust (owners); Austin Miller, Inc., c/o Kim Edgington (agent) request the creation of the Albert Farm Community Unit Plan (DP-257); and

6b. **CUP2001-00044 DP-257** – Lawrence Edward & Winifred Mary Albert, Trustees, Lawrence Edward Albert Trust and Winifred Mary Albert Trust (owners) request Zone Change from "SF-20" Single-Family Residential to "LC" Limited Commercial, "GC" General Commercial, and "SF-5" Single-Family Residential, on property described as:

The Northwest Quarter of the Northwest Quarter of Section 23, Township 27 South, Range 2 West of the 6th P.M. Sedgwick County, Kansas. Generally located Southeast corner of 151st Street West and Central Avenue (4th Street North).

BACKGROUND: The applicant is requesting the creation of a Community Unit Plan on a 17.8-acre tract located on the southeast corner of 151st Street West and Central Avenue. The proposed C.U.P. has a total of 12 parcels. The applicant has requested that the corner parcel (Parcel 5), be zoned "GC" General Commercial, the parcel for the drainage reserve (Parcel 12) be zoned "SF-5" Single-Family, and the remaining parcels (Parcels 2-4 and 6-11) be zoned "LC" Limited Commercial.

DP-257 Albert Farm C.U.P., if approved, represents a major step in west side urban expansion. The property lies within the area covered by the Far West Side Commercial Development Policy. The impact of this proposed development is discussed in greater detail in the "Conformance", "Recommendations" and "Findings" sections of this report.

The proposed uses on the "LC" parcels are all permitted uses in the "LC" zoning district except: residential uses, taverns, night clubs, drinking establishments or adult entertainment. The proposed uses requested for Parcel 5 are all permitted uses in the "GC"

district except: taverns, night clubs, drinking establishments, adult entertainment or vehicle sales. The proposed use for Parcel 12 is storm water detention.

The C.U.P. includes a 30 percent maximum building coverage and a 35-foot maximum building height. Neither maximum gross floor areas nor floor area ratios are stipulated for the parcels. Potential gross floor area based only on building height and coverage allowances might be uncharacteristically higher than typical for C.U.P.s in the Wichita metropolitan area, which generally ranges from 25 percent for low intensity office development to 35 percent for retail developments.

The C.U.P. includes a requirement for a masonry screening wall and a fivefoot wall easement between the commercial zoning and the surrounding residential zoning unless the uses are separated by 300 feet of platted reserve area.

The C.U.P. provides for a site circulation plan and for a pedestrian plan to link sidewalks on Central and 151st with the major entrances and to link buildings within the development.

General provisions are included for landscaping, screening, lighting, architectural character, and signage. These provisions generally are more stringent than code minimums (except regarding signage—"Recommendations"), as recommended by the Far West Side Commercial Development Policy.

The application area is part of a 154-acre quarter section owned by the trusts of Lawrence and Winifred Albert. Although a master development plan for the entire quarter section has not been prepared at this point, the agent has indicated that they intend to develop the rest of the tract in residential use, including potentially some higher density residential near the commercial C.U.P. to be perhaps separated by the natural drainage being utilized as an amenity feature. Lower density residential would be placed on the balance of the tract.

The southeastern edge of the proposed C.U.P. corresponds generally to the 100-year flood plain boundary for a tributary to the North Fork of the Calfskin Creek. The tributary begins in the middle of the quarter section and flows toward the northeast. The applicant defined the boundary of this request for commercial use as being the edge of the flood-prone area. It should be noted that the site could be impacted in the future by the overflow from Dry Creek into the North Fork of the Calfskin or measures constructed to control the overflow.

The property to the north is a large agricultural holding, and also has land area in the floodplain of the North Fork of the Calfskin. The property on the southwest corner of 151st and Central is mostly in agricultural use with a residence at the corner of the tract and one other residence along 151st to the south. The property to the northwest of 151st and Central is subdivided as Woodland Hills Addition and Woodland Hills 2nd Addition. Woodland Hills Addition has 17 suburban type lots that are generally five to eight acres in size. Single-family residences occupy most of the lots. Woodland Hills 2nd was platted with four five-acre lots, but was designed to be further subdivided into urban-scale lots. However, it appears homes on two of the lots have been placed directly upon the area that was intended for future street purposes, which may reduce the eventual build-out of this subdivision. It is unlikely that the northwest corner would be developed in commercial use. There is a greater likelihood of future requests for commercial at the northeast and southwest corners.

CASE HISTORY: The area is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20" Single-Family	Agriculture
SOUTH:	"SF-20" Single-Family	Agriculture
EAST:	"SF-20" Single-Family	Agriculture
WEST:	"RR" Rural Residential	Large lot residential, agricultural
	"SF-20" Single-Family	

PUBLIC SERVICES: Municipal water service is not available to the application area at the current time. Water service is located approximately one mile away in three different directions (151st Street West and Maple, Central near 135th Street West, and 135th Street south of Central). Rural Water District #4 serves the area west of 151st Street, but is not a potential source for extending the lines to this property because of the smaller size of the existing line (8"). The city's water expansion map shows the mile segment along Central from 135th Street West to 151st Street West as "future 16" line" but it is not on the Capital Improvements Plan.

The sewer master plan shows the area being served by a main sewer line or interceptor, extending from the main pump station at 21st Street North and 135th Street North for the Northwest Sewer Plant. This would be a three-mile extension. Although sewer lines for Highland Springs Addition are less than a mile from the site, these lines are too close to capacity to serve this area.

Central (4th Street North) and 151st Street West are both unpaved township roads. They are classified as two-lane arterial streets on the 2030 Transportation Plan. Neither road is shown on the Capital Improvements Plan for the city or the county. Traffic counts are unavailable for the site. Projections for total 24-hour two-way volumes, including this project, in the year 2030 would be 6,019 vehicle trips per day for Central and 3,917 vehicle trips per day for 151st Street West.

CONFORMANCE TO PLANS/POLICIES:

The Wichita Land Use Guide in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* classifies this area as being within the 2030 urban service area and identifies the corner as likely for future commercial development. The proposed C.U.P. follows the *Comprehensive Plan's* commercial locational guidelines recommending that commercial uses should be located adjacent to arterial streets; in compact clusters; and have site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential areas.

The Far West Side Commercial Development Policy guides commercial growth at the nine intersections of 119th Street West, 135th Street West, 151st Street West with Maple, Central (4th Street North) and 13th Street North. The Far West study recommends limiting the scale of commercial development to neighborhood serving uses, and stricter guidelines appearance. Intersections within two miles driving distance of another intersection with more than 24 acres of commercial zoning are to be limited to 24 total acres on all corners, with a maximum of 12 acres on any one corner. Intersections within one mile driving distance are to be even more restricted. This intersection falls within the two-mile distance from the intersections at 135th and Maple and at 135th and 13th, making it appropriate for up to 24 acres of commercial zoning. The study also recommends that individual stores other than grocery stores and pharmacies should be no larger than 8,000 square feet.

In terms of appearance, the Far West study states that commercial development should have (1) freestanding signs that are low and monument style with the overall amount of signage restrained, (2) low-key lighting, (3) landscaping and screening exceeding minimum code standards, and (4) architectural treatments that are internally consistent and are compatible with surrounding residential developments in terms of exterior colors and materials and roof forms.

RECOMMENDATION:

Albert Farm represents the future edge of far west expansion for the Wichita-Sedgwick County metropolitan area. It is the first intersection being requested for commercial zoning along 151st Street West. The edge of Wichita is poised a mere one-half mile to the east. During the day, one sees a sharp edge from the two subdivisions under development to the east along 135th Street West, Highland Springs and Rainbow Lakes. At night, the lights of the city are a dramatic contrast along 135th with the rural character of the land to the west.

Albert Farms is also in advance of the extension of urban services, which are not planned to reach this site within the next decade. But, eventually the site will be well situated to serve as the primary neighborhood commercial center located on 151st Street West between Kellogg and 21st Street North. As discussed in the previous section, this intersection meets the Far West study criteria for having a total of 24 acres of commercial zoning. If the Northwest Bypass is built sometime in the next 30 years, it is likely that Central would be an interchange and be an important east-west arterial link for the metropolitan area. The exact impact of the Bypass on this intersection will depend on the alignment selected for the Bypass, which will not be determined for a couple of years.

According to the Far West study, the scale of development at this intersection should be a total of 24 acres for all four corners with a maximum of 12 acres at any corner. The applicant has requested 16 acres of "LC" and "GC" but has indicated a willingness to scale back the intensity of the uses on the southernmost and easternmost tracts. Also, staff has recommended that the corner parcel be zoned "LC" instead of "GC" since the reason for the "GC" request was for a car wash as part of a service station, which can be allowed as a Conditional Use in "LC". It is recommended that if a developer wishes to pursue a car wash with a service station, it be done as an amendment to the C.U.P. with appropriate site plan/architectural review to ensure a compatibility with the rest of the C.U.P.

As requested, the C.U.P. would have 12.8 acres in "LC" zoning and 0.81 acre in "NR", for a total of 13.61 acres, which is still slightly above the recommended 12 acre maximum for any corner.

Conceptually, the 154-acre tract could result in a blended development of commercial/retail at the northwest corner, stepped down by neighborhood intensity retail commercial and higher density residential, with lower density residential in the interior of the tract. The concept of treating the natural drainage pattern as an amenity with potential walking paths is desirable. The placement of collector street from Central into the interior of the parcel gives the potential for a network of streets that facilitates good connectivity among a range of land uses.

Overall, the general provisions included on the C.U.P. drawing respond to the higher standards for development recommended by the Far West policy. Staff recommendations include some additional minor modifications to achieve this quality of development. The major change would be limit the overall size of the development by keeping Parcels 911 in residential use. This would maintain its conformance with the guidelines for the Far West policy. It also reduces the length of commercial frontage on Central. This is in conformance with policy guidelines for compact commercial development rather than stripping out of commercial along arterials.

Based on this, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2001-00071) to "LC" Limited Commercial for Parcels 1, 3-8, "NR" Neighborhood Retail for Parcel 2, and "SF-5" for Parcel 12.
- B. APPROVE the Community Unit Plan (DP-257), subject to the following conditions:
 - 1. No development of the C.U.P. shall occur until municipal water and sewer services have been extended to serve the site.
 - 2. A collector street shall be provided from Central southward along the southeastern edge of the area recommended for rezoning (east line of Parcels 1 and 8, as shown on the attached sketch) to connect future residential areas to the south and east in the quarter section.
 - 3. Access points shall be as shown on the C.U.P. drawing, which has two access points on 151st Street West with the nearest being right-in/right-out only; and has a total of three access points on Central with the one nearest the intersection being right-in/right-out only and farthest east being designated as a collector street.
 - 4. Prior to development Central must be improved to county standards as a temporary roadway from its terminus (at 135th Street West or at the western edge of DP-233 Highland Springs C.U.P. on Central, whichever is nearer) to the property line, and as a three-lane roadway along the front of the property, providing for center turn lanes as needed.

5. At time of platting, the applicant shall guarantee the following permanent transportation improvements:
 - A. A raised median on Central from the intersection to the second entrance, and a center left-turn lane on Central between the second and third entrances;
 - B. A raised median on 151st Street from the intersection to south of the first entrance, and a center left-turn lane on 151st Street West between the first and second entrances;
 - C. A continuous accel/decel lane with a beginning taper from the southern property line on 151st Street West extending along the property and tapering after the easternmost drive on Central;
 - D. Proportionate share of paving (as a permanent improvement) of Central and 151st Street West to arterial standards;
 - E. 25 percent of the cost of signalization of the intersection of when warranted.
6. Add these use restrictions as a general provision: "The following uses shall be eliminated from all parcels: cemetery, correctional placement residences, night club in the City, and night club in the County. Any uses allowed only by Conditional Use shall not be allowed except by C.U.P. amendment. The following uses shall be prohibited within 200 feet of residentially zoned property: service stations, convenience stores with gas islands, restaurants with drive-in or drive-through facilities and vehicle repair. There shall be no overhead doors for auto services or repair uses facing residential districts. No single use shall occupy more than 8,000 square feet of floor area, with the exception of a grocery store or drug store."
7. Gross floor area shall be 30 percent for all parcels for non-residential use.
8. The following shall be added to General Provision #4:
 - (a) As the frontage develops along the arterial streets, freestanding signs shall be limited to monument type signs and shall be spaced a minimum of 150 feet apart, regardless of how the land is leased or sold. Following is the sign height and size allowed for each parcel:

Sign size (face)	Height
Parcel 1 96 sq. ft. on Central	20 ft.
96 sq. ft. on 151 st St W	20 ft.
Parcel 2 48 sq. ft.	8 ft.
Parcel 3 96 sq. ft.	12 ft.
Parcel 4 96 sq. ft.	12 ft.
Parcel 5 96 sq. ft.	12 ft.
Parcel 6 96 sq. ft.	12 ft.
Parcel 7 96 sq. ft.	12 ft.
Parcel 8 96 sq. ft.	12 ft.
 - (b) Temporary advertising decoration or banner-type signs as allowed by the Sign Code, excluding tinsel or pennant streamers or other similar decoration, shall be permitted, but shall be limited to no more than 36 square feet in size, to no more than 15 day placements, and to no more than three such banner or advertising decoration signs in the C.U.P. at any time. Any advertising decoration or banner signs shall be securely attached to a building, wall or fence.
 - (c) No signs shall be allowed on the rear of any buildings.
9. The following shall be added to General Provision #19: "With the exception of standing seam colored metal roofs, metal shall not be permitted as a predominant exterior building material for any building on the site."
10. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
11. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
12. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
13. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-257) includes special conditions for development on this property.
14. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property to the northwest is in suburban lots; otherwise all the surrounding land is in agricultural use with a few houses along the township arterial roads. A small tributary to the North Fork of the Calfskin Creek is located on the eastern edge of the proposed C.U.P.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for continued agricultural use. At the current time this is the most desirable use since municipal services are not available. However, as the urban fringe expands, this is the logical location for a neighborhood commercial node.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of Albert Farm Community Unit Plan will change the character of the area from a few suburban lots and farms to transitioning to urban character. The presence of commercial use might suppress the desirability of the area for lower density residential development. However, the stronger design features (landscaping, architectural treatments, restrained signage and lighting) should reduce the detrimental impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: Except for exceeding the 12 acre maximum for one corner, the request is in conformance with the Wichita Land Use Guide of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan and the Far West Side Commercial Development Policy. As recommended, the general provisions of Albert Farm C.U.P. would correspond to the development patterns already established on the other C.U.P.s in the Far West area, including DP-233 Highland Springs C.U.P., DP-219 Auburn Hills Commercial C.U.P., DP-225 Auburn Hills Commercial II, and DP-231 Copper Gate C.U.P.
5. Impact of the proposed development on community facilities: Traffic increases generated by the new commercial development would be substantial, however, it is not anticipated that the property will be developed for a number of years until residential density in the vicinity generates sufficient demand to warrant the commercial investment costs. Currently the area was not included within the 2010 urban service area and none of the road, water, or sewer improvements were included in the capital improvements programs. Development will spur the need to extend water and sewer lines to serve the area, and may speed the timetable for these improvements.

DONNA GOLTRY, Planning Staff, presented the staff report, presented slides and noted that there were differences between staff's recommendations and the applicant's request. In general, the differences deal with: the size and intensity of commercial zoning that is appropriate – "LC" vs. "GC"; building height; how far from the intersection, along Central, commercial zoning should be allowed to go; size and height of signage; size limitations on individual uses; and the location of a collector street connection to Central. Except for exceeding the 12 acre maximum for one corner, the request is in conformance with the Land Use Guide of the 1999 Update to the Wichita Sedgwick County Comprehensive Plan and the Far West Side Commercial Development Policy.

GAROFALO Asked why on Condition Number 6 car washes were not in there?

GOLTRY It would not be permitted because that would require a Conditional Use permit. We could add the car wash to the conditions.

WARREN Eliminate Lots 9, 10, 11?

GOLTRY Yes.

KIM EDGINGTON, agent, noted that they have been working on this project for several months now. It was recommended that we do a larger commercial development at this corner. We are looking at a regional development for the growing West side. It is very close to the floodplain. We would like to develop without the possibility of municipal water and sewer services having been extended to serve this site. We are agreeable to the collector street, but on a different Parcel. We are in full agreement with Conditions 3, 4 and 5. However, on Condition 6 we would like a change on the 8,000 square feet and have this removed; raise the maximum building height to 45 feet; change some of the number in Item Number 9. On Number 10 we agree to the height of the light poles at 25 feet. On Number 11, no metal building façade would be allowed. The other conditions are fairly reasonable. The Alberts are concerned. They don't want to have a ugly development. They want a quality development. We would like this to be a successful development.

WARREN There are a number of obvious difference that you have noted. I tend to agree with them. Would you be willing to go back and work with staff and have this item tabled until staff and you can work them out together?

EDGINGTON We do not have a problem with that and have this tabled. We are willing to work with staff and be flexible.

WARREN Make changes and maybe staff could too?

KROUT You may want to wait until the public speaks before announcing what you agree with.

WARREN My mind is not made up.

KROUT We have been working with developers in this area to follow the Far West commercial policies adopted by the City Council. This property will be in the City within a 5-year period. This is a standard C.U.P. that disregards the policy in many ways. This doesn't show the flood plain?

EDGINGTON This is the floodplain.

KROUT It is not a significant drainage area. My question is: if you are looking at multi-family residential, will the collector road have access to Central as well as 151st Street?

EDGINGTON We agree to the collector road. It is a matter of opinion where the road should be brought in.

KROUT Maybe you should do some more master planning. It is useful for a developer to give us a master plan, instead of zoning it piece meal. The MAPC in the past has said that a CUP that follows the West Side policy is a good starting point, until someone has real developers and real development plans. You will be giving away the farm if you give her what she is asking now.

BARFIELD Do you have any signed leases for tenants?

EDGINGTON No, we do not. The Comp Plan and the Far West Policy both recognize that this is a good corner for commercial development. We have not added anything nor have we asked for additional things.

BARFIELD High roof line?

EDGINGTON There are several realtors that are using second floor lofts. To market this site we would like to have that option to 45 feet.

HENTZEN This has to do with process. Whatever we recommend here, it will go to which governing body?

KROUT The County Commission is the only one that has the authority over this case. District Five is looking at this from the City Council perspective, and one of their members has said they would like to have some input on this project because this property will be in the City, but it is not scheduled to go to them.

HENTZEN I don't think we are ready to approve this. I would like to see this deferred as well.

MICHAELIS We have to allow the public to speak.

TOM BARNEY I live right across the road from this proposed development. I have, since last night, we have twenty signatures from the Woodland Hills development and we are opposing this development. I have signatures of about 20 people. We moved out there with the thinking this would be single-family living on five acres lots. I am the closest one to it and I don't think this would be a good thing at all.

KEVIN CAMPBELL I would like to address some of these issues. We are talking about 13 to 14 acres. Four to five miles away we have 21st Street that has lots of commercial uses going on. We have always wanted to be single-family residential at this location. We are opposed to this case and opposed to this development. We have a problem with some of the traffic issues identified in the staff report. Increased traffic would not be good. There are also a lot of traffic accidents. There is a new golf course out there and we should have a higher scale development out here. We don't need any commercial sites in our backyard. The drainage area in that section does need to be studied. We had four feet of water go in the very back of our property. There are a lot of water problems out of there. Sometimes the road is impassable.

EDGINGTON This area is going to develop for residential (pointing to the area south of the application area) and there is going to be a need for commercial development. The Planning Staff and this Commission have recognized in the Far West Commercial policy that this location is absolutely a good area for this type of development. Bradley Fair – Wilson Estates is a very good model for us to look to for this type of development. We do hope to work with Planning Staff to have success with this proposal.

BARFIELD Marvin is this site in the Goddard Zoning Area of Influence?

KROUT No. All of the Wichita plans cover the delivery of water and sewer service. All of this will be annexed to Wichita.

WARREN I think this is good and this is far in advance planning as possible. The notice to the public I think is great. I have a problem with C.U.P's. They are not a condition of approval. They are very suggestive. We talk about this like on 5d. Legally we can only charge them these fees on a guess. Item 6 is a reasonable request. We have a sign ordinance. Why demand something other than the sign code? Item 11 says buildings out there must look like residential. There is nothing out there to copy. I think it is an unreasonable request from staff to put these kind of conditions on the applicant. I think this thing needs more work. We are going to have more commercial out west.

KROUT The Far West Policy, some of you were here when this policy was developed. The staff is not interested in making compromises with the applicant. Our job is not to split the middle. Maybe the applicant can plan the whole quarter, not just piece meal zoning and development. This is less then we can accept.

MICHAELIS You are starting an argument. There is something different here. Do not discuss before the public hearing.

JOHNSON This Far West Plan, did the City Council approve it?

KROUT Yes, the Wichita City Council did approve it, and the MAPC has followed it in the past.

BISHOP If the Northwest Bypass is built sometime in the next 30 years, it is likely that Central would be an interchange and be an important east-west arterial link for the metropolitan area. I gather that no matter how far out Central gets, it is still a commercial arterial.

HENTZEN What Mr. Johnson brought to my mind I would think that on the west side the courts are going to have to decide some of this. Like when K-96 went around a property owner was offered about \$500,000. He didn't think that was right. The court said the Commission denied him developmental rights and the court decided what we took was worth \$2.8 million. It scares me that we here in Wichita can deny the owners of the land development rights when our own district court has said we are not on the right track. Let's be careful.

KROUT You can defer to January 24, 2002, no earlier than 1:00 P.M.

MOTION: Defer this item two weeks to January 24, 2002, no earlier than 1:00 P.M.

WARREN moved, **COULTER** seconded the motion.

MARNELL What is the hurry? What about the master plan?

WARREN It is not up to the applicant to come up with a master plan. What we have here is a reasonable plan.

MICHAELIS We have got to remember this is a lot of money to come up with a master plan.

JOHNSON If we did that, would it have to be re-advertised?

KROUT Not if you can set the date and time.

WARREN The applicant is asking for approval of zoning.

GAROFALO I have a question about the motion. Marvin did not think there was much point of getting together here.

WARREN I hate to go through each and every one of these conditions and spend that kind of time. We would have a document that Kim could draft what she would like to have in there.

MICHAELIS An actual document.

MCKAY I would hope.

GAROFALO The motion is not clear.

MICHAELIS Defer for two weeks.

MCKAY Staff won't work with the applicant.

KROUT You got it.

SUBSTITUTE MOTION: To approve as requested by the applicant.

MICHAELIS moved, **ANDERSON** seconded the motion.

Several Commissioners asked questions concerning if any of the conditions were being changed, and if so, to what?

BARFIELD Marvin does this go to the County Commission for final approval?

KROUT Yes

WARNER I don't think this is the way to do this. We are showing Marvin we can do this, like it or not. I am going to vote against this motion.

MARNELL This was the final compromise with the staff and the applicant.

BISHOP I do think there is some room for compromise. There are a number of people here today that want to see additional discussion.

ANDERSON This has been interesting to say the least. Marvin, you are not going to look at any other possibilities? This Board will have to make a decision on this matter and I would prefer that it you would be able to work with the applicant.

Vote on the **SUBSTITUTE MOTION** was 6 (**WARREN, MICHAELIS, HENTZEN, WELLS, ANDERSON, COULTER**) in favor to 7 (**BLAKE, BISHOP, MCKAY, BARFIELD, MARNELL, WARNER, GAROFALO**). (**JOHNSON** was absent for the vote.)

ANDERSON Marvin, it is your position that you are not going to consider anything else from these applicant and agent?

KROUT We have been accommodating to the applicant. People thought it was going to be residential out there. This is not just about zoning; it is about how we plan an area. What I would like to do is set up a meeting where we could have the applicant and interested neighbors discuss how this area is going to be developed. We will do that assuming the applicant is in agreement. I can't tell you I am going to take back steps we have previously taken.

ANDERSON I have been around a long time, but don't remember any staff being so inflexible.

WARREN There is no policy, and I would bet that gives Marvin and his staff the right to develop the C.U.P. to their liking.

BARFIELD If you are going to suggest that meeting, you might have District 5 be there as well.

KROUT District Five has a meeting in four weeks. We would have to be directed to do that.

MCKAY I will not agree with any of this to have the developer go to a hatchet meeting. You keep referring to the Far West Plan.

KROUT If you don't want us...

MARNELL This is not very business-like.

MOTION: Vote on the original motion by **WARREN** and **COULTER** to defer for two weeks carried unanimously (13-0). **JOHNSON** was out of the room.

7. **CON2001-00062** – City of Wichita, c/o Norman Jakovac request a Conditional Use to allow Government Service o on property described as:

Lot 1, West Sub-Station Second Addition, to Wichita, Sedgwick County, Kansas.

AND

Lot 1, Block A West Sub-Station Addition, to Wichita, Sedgwick County, Kansas. Generally located southwest of the Central Avenue W – I 235 Intersection and east of the Wichita – Valley Center Flood Control.

BACKGROUND: The applicant is requesting consideration for a Conditional Use to allow an expansion of “Government Services” Public Works maintenance substation facility on properties zoned SF-5 Single Family Residential. The sites (6.65 acres, Lot 1, West Substation 2nd Addition and 7.763 acres, Lot 1, Block A, West Substation Addition) are generally located southwest of the Central Avenue W – I-235 intersection and east of the Wichita – Valley Center Flood Control easement. The applicant proposes to expand within the sites by constructing a 373 sq-ft addition to the existing office/operational facility and a new 14,540 sq-ft metal warehouse. The applicant is also proposing to increase the area of paved surface used by the operations fleet. The operations fleet is composed of dump trucks, graders, patch trucks, compressors, cement trucks, pick-ups and all other maintenance type of vehicles. Currently there are around 60 vehicles in the fleet and the expansion will bring in another 47 vehicles. Typical hours of operation are 8 AM-4:30 PM September thru May and 7 AM-3:30 PM May thru September. Snow and/or ice could necessitate 24-hour operation hours. The applicant has submitted a site plan showing the current uses, the proposed expansion and improvements.

Currently the south site (Lot 1, Blk A, Substation Addition) contains the operations office, a salt dome, warehouses and parking for the operations fleet and Public Works employees. The previously stated improvements/expansion will be on this south site. The north site (Lot 1, West Substation 2nd Addition) contains materials used by Public Works in the maintenance of roads, water and sewer lines and other publicly owned development. These materials include asphalt, sand, dirt and rubble mounds of approximately plus 15-ft in height. Other materials are brick, miscellaneous timbers and railing and corrugated and concrete pipe. The two sites abut on their north-south sides. Entrance to the north site (materials site) is through the south (office and fleet site, see Exhibit A) site. 3rd Street is an unpaved residential road and dead-ends into the north site on the west end and connects to Gilda (a paved 2 lane residential road running to north to south) on the east. Gilda provides access for the Public Works trucks to Central (a 6 lane arterial) to the north. Gilda dead-ends, unpaved, into the property that abuts the public work’s south site.

The properties to the east, west, south and north are zoned SF-5 Single Family Residential and are developed, with the exception of the undeveloped property to the south, as single family residential. The sites are separated from the residence on the north by West 3rd Street and West St. Louis Street. Both streets are unpaved residential roads. The sites are separated from the residences on the west by the Wichita – Valley Center Flood Control easement. The north site abuts residences on its east side. The south site is separated from residence to the east by I-235.

The Unified Zoning Code requires a Conditional use for “Government Service” in all residential zoning districts. The expansion of the existing facilities will trigger the landscaping/ screening, parking, and supplemental standards, per the Unified Zoning Code, for “Government Services” as a Conditional Use.

There have been no calls expressing opposition to this Conditional Use. There has been several calls in regards to the possible future condition of Gilda due to current use by the operations fleet. Gilda is the only paved road going south from Central in this small neighborhood.

CASE HISTORY: The West Sub-Station 2nd Addition was recorded with Sedgwick County May 3rd, 1978. Lot 1, Block A, West Sub-Station Addition was recorded with Sedgwick County April 26, 1973. The current use has basically been in operation since 1976, although there is no record of review/approval as a special permit as required by the City Zoning Ordinance at that time.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5 Single Family Residential	Residential
EAST:	SF-5 Single Family Residential	Residential
SOUTH:	SF-5 Single Family Residential	Undeveloped
WEST:	SF-5 Single Family Residential	Residential

PUBLIC SERVICES: Gilda is a paved 2 lane residential road. Central is a 6 lane arterial. Average Daily Trips (ADT) at the intersection of I-235 and W Central (4 blocks north and 1 block east of this location) is 24137 ADTs on the north side, 43554 ADTs on the south side. Traffic can access onto I-235 via Gilda going south. There is gas, water, sewer and electricity for the site.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as Public/Institutional. Public/Institutional includes government employment centers or facilities, libraries, educational facilities, churches, hospitals, private schools and cemeteries. The Unified Zoning Code requires a Conditional Use for “Government Service”, in “RR”, “SF-20”, “SF-10”, “SF-5”, “TF-3”, “MF-18”, “MF-29”, and “B” residential zoning districts, plus the “NO”, “GO” and “NR” non-residential zoning districts.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED, with the following conditions.

1. A landscape buffer/screening of approved evergreen trees will be planted behind all existing chain linked fence along the West St Louis Avenue frontage, along the east side of the West Sub-Station 2nd Addition, along the West 3rd Street frontage (ending

at the parking lot) and on the south side of Lot1, Blk A, West Sub-Station Addition. The evergreens will be spaced at 15-ft centers and be a minimum of 5-ft in height at the time of planting. Suggested evergreens include Austrian Pine, Southwestern Pine, or Pinyon Pine. All other frontages and parking areas shall meet landscape requirements. All landscaping shall be in place within a year of the approval of this Conditional Use.

2. Access to the sites shall be off Gilda. No access off of West St Louis or West 3rd Streets.
3. All materials stored outside shall be behind the evergreen buffer/screening and behind the current setback lines for SF-5 Single Family Residential.
4. The current 6-ft chain link fence with 3 strands of barbed wire shall be maintained in good condition.
5. Development of the site shall be in conformance with the approved Site Plan.
6. Any violation of the conditions approved as a part of this request shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site and the surrounding area is zoned SF-5 Single Family Residential. The immediate surrounding area is developed as single family residential.
2. The suitability of the subject property for the uses to which it has been restricted: Residential development on the site is unlikely as the current use has been in operation since 1976 and there are no plans for the City to move this facility. The location takes advantage of major barriers being in place on the east (I-235), the west (the Wichita-Valley Center Flood Control easement) and south (just beyond the southern abutting property, 4235 & the Wichita-Valley Center Flood Control easement converge) sides of it.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards. In particular the landscaping will put into place much needed screening and buffering between the Public Works' operations and the residential development on the north and east sides of the sites.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for "Government Service", on "SF-5" Single Family Residential is a Conditional Use per the WSC Unified Zoning Code. The Comprehensive Plan recommends the best use for this area as Public/Institutional.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be no more than they presently are, as the expansion will only add an additional 4-7 vehicles to the operations fleet.

BILL LONGNECKER, Planning Staff, showed slides of the area and presented the staff report.

HENTZEN Asked if they were going to build any building?

LONGNECKER Indicated they were.

NORMAN JACOVAC, agent, indicated that they agreed to all the conditions.

DAVID RENALE We are not necessarily opposed to this, but we wanted to have this screened in. Several neighbors have decided the City is going to do what they want to do anyhow. Is landscaping really enough? I have had to mow the ditch because the City does not now. The trucks come through our neighborhood.

AMBER MUSE I live on a dirt street that the trucks come through. The come down Boyd Street.

GAROFALO I would like Norman to respond to these public concerns.

JAKOVAC I have not seen that.

STEVE LACKEY Indicated he would tell his people to quit driving down the gravel road and talk to David Warren to see if his people would do the same. We are in agreement with the screening.

MCKAY Do you think 5 feet trees are really enough screening for that residential area?

LACKEY Yes.

LONGNECKER They will grow to 25 to 35 feet. The will be 5 feet high when we plan them.

MCKAY Your lifetime or mine?

HENTZEN I am in favor of granting this. The City can decide at any time to build a wall. I thought it was a dust storm. I can see these trees being dusty color; would the City consider a solid screening wall?

MOTION: Approve subject to the staff recommendations as amended.

MCKAY moved, **ANDERSON** seconded, and the motion was approved unanimously 10-0. (**BLAKE**, **BARFIELD**, **JOHNSON** and **COULTER** were absent).

- 8a. **ZON2001-00075 (CUP2001-00045 DP221 Amendment #1)** – BA, LLC, (owner); Les Donovan (contract purchaser); Baughman Company, P.A., c/o Russ Ewy (agent) request Zone Change from “LC” Limited Commercial to “GC” General Commercial; and
- 8b. **CUP2001-00045 DP221 Amendment #1 (ZON2001-00075)** – BA, LLC, (owner); Les Donovan (contract purchaser); Baughman Company, P.A., c/o Russ Ewy (agent) request amendment to DP-221 West Kellogg Power Center C.U.P. to allow auto vehicle repair, general, and vehicle sales on Parcels 1 and 2, on property described as:

Lot 1, West Kellogg Power Center Addition, Sedgwick County, Kansas together with Lot 2, West Kellogg Power Center Addition, Sedgwick County, Kansas, except the North 380 feet of the West 227 feet thereof and except the East 200 feet thereof. Generally located North of Hendryx and east of Julia.

BACKGROUND: The applicant is requesting to rezone a 3.75 acre tract from “LC” Limited Commercial to “GC” General Commercial and to amend DP-221 West Kellogg Power Center Community Unit Plan. The amendment would permit vehicle and equipment sales and vehicle repair, general, on Parcels 1 and 2 located on the northwest corner of Julia and Hendryx. It would be for the expansion of the Donovan Pontiac Cadillac Volkswagon car dealership, which is currently located across Hendryx, immediately south of the application area.

No other “GC” uses have been requested by the amendment, and no other changes to the general provisions of the C.U.P. were requested.

Parcels 1 and 2 are the last two parcels of DP-221 West Kellogg Power Center to be developed. A new retail building for Ebersole Lapidary Supply currently is under construction on the adjoining parcel to the east. Furniture Row occupies the next parcel to the east, which is the largest parcel in the C.U.P. Candlewood Suites is located on the parcel to the northwest of the application area.

The surrounding area to the south and west includes several major retail/commercial uses on properties zoned “GC”. These include Wal-Mart, Sam’s Club, Scotsman Inn, Motel 6, Denny’s and Holiday Inn Airport. Kellogg is located south of the uses. The Wichita-Valley Center Floodway (the “Big Ditch”) and I-235 is located to the east of the C.U.P.

The property to the north of Taft (the northern boundary of the C.U.P.) is zoned “SF-5” Single-Family and developed with single-family houses on ¼ to ½ acre lots, except for a two acre tract immediately north of the application area with a single residence and the next tract to the north which is vacant.

The application area is located under a flight approach path to the Mid-Continent Airport and is located in Area (A) of the Wichita Airport Hazard Zoning Map, which has a maximum height limit of 25 feet for any structure without requiring a permit. During the initial approval of this case, the Wichita Airport Authority indicated that the height of 35 feet was acceptable and would not create a hazard for aircraft approaching the airport, but would require a permit. This amendment does not alter the existing height requirements, but requests a clarification of this requirement be added to the C.U.P. document.

The C.U.P. already requires additional landscaping and an eight-foot screening wall for service areas facing the residential district along Taft. It should be noted, however, that none of these buffering requirements protect the adjoining property to the west, Candlewood Suites, from the more intensive “GC” uses requested by this application.

CASE HISTORY: DP-221 West Kellogg Power Center Community Unit Plan was originally approved March 28, 1996. The property was platted as West Kellogg Power Center Addition in September 1996. The 210-foot setback from Hendryx was vacated (VAC2001-00029) on September 11, 2001.

ADJACENT ZONING AND LAND USE:

NORTH: “SF-5” Single Family Residences
EAST: “LC” Limited Commercial Retail (Ebersole Lapidary, Furniture Row), Big Ditch, I-235
SOUTH: “GC” General Commercial Car dealership, hotels, restaurant, Kellogg
WEST: “GC” General Commercial Wal-Mart, Sam’s Club

PUBLIC SERVICES: Transportation access is via Julia (Parcel 2) and Hendryx (both parcels. Hendryx is a local street. Julia from Kellogg to Taft is also a local street, but is a collector north of Taft to Maple. There is complete access control from Parcel 2 to Taft, which is a local street from the Big Ditch to Julia. Taft becomes a collector west of Julia.

Other normal municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* shows the subject parcel for “commercial” use. The development of these parcels for the new uses requested would conform to the III.B Land Use-Commercial/Office Strategy 5 of “Confine highway-oriented uses, outdoor sales and non-retail commercial uses to highway corridors and established urban areas containing similar concentrations of uses (e.g. portions of Kellogg, Broadway, the CBD fringe.”

The general provisions of the C.U.P. already requires landscaping, a deep setback along Taft (100 feet), and the shielding of lights away from residential areas. These provisions help separate the proposed commercial uses on the tract from the residential area to the north of Taft, in conformance with the Commercial Locational Guidelines #3, stating: “Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses.”

RECOMMENDATION:

Based on this information, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to subject to the following conditions:

- C. APPROVE the zone change (ZON2001-00075) to "GC" General Commercial for Parcels 1 and 2.
- D. APPROVE the Amendment #1 to DP-221 West Kellogg Power Center Community Unit Plan (CUP2001-00045) subject to the following conditions:
1. Permitted uses for Parcels 1 and 2 are those permitted by right in the "LC" Limited Commercial district plus "vehicle repair, general" and "vehicle and equipment sales".
 2. Vehicle and equipment sales shall conform to the requirements of Section III-D.6.hh of the Unified Zoning Code.
 3. General Provision #6 shall be revised to state that Parcels 1 and 2 shall conform to signage restrictions of the "LC" Limited Commercial zoning district, and that no temporary display signs are permitted on any parcel developed with auto sales, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
 4. No elevated platforms for the display of vehicles or equipment shall be permitted on Parcels 1 and 2.
 5. A general provision shall be added to state: "All repair activities shall take place indoors, and any overhead doors on the north elevation shall remain closed except to permit vehicles to enter or leave the building.
 6. A general provision shall be added to state: "No outside storage of salvaged vehicles or parts shall be permitted in conjunction with vehicle and equipment sales or vehicle repair, general".
 7. A general provision shall be added to state: "Any structure exceeding 25 feet in height shall receive appropriate permits and approvals, per the Wichita Airport Hazard Zoning Code.
 8. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the Plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 9. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 10. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 11. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning is "GC" General Commercial to the south and west and is developed with intensive retail/commercial uses including a car dealership, Wal-Mart, Sam's Club, several hotels and a restaurant. The property to the east also is retail but is less intensive; including a specialty retail shop and a furniture complex, on property zoned "LC" Limited Commercial. Also, the adjoining property to the northwest, Parcel 4, is a hotel on property zoned "LC", which is much less intensive than the requested "GC" uses for Parcels 1 and 2. The property to the north is low density residential zoned "SF-5" Single-Family Residential.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for "LC" uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will introduce additional open storage and more intense uses than are currently permitted on the other parcels in the C.U.P. Auto body shops tend to generate more noise and odors than less intense auto repair uses and vehicle and equipment sales include outdoor display. The proposed amendment keeps a 100-foot setback along Taft, landscaping, screening, and lighting provisions that help buffer the use from the residential area to the north. No provisions are in place to screen the uses from the adjoining parcel (Parcel 4).
4. Length of time the property has remained vacant as zoned: The property has vacant for five years since its original approval as a C.U.P.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change is in conformance with the "commercial" designation on *Comprehensive Plan*, and generally supports the Commercial Locational Guidelines with respect to buffering from residential areas with landscaping, screening, and setbacks.
6. Impact of the proposed development on community facilities: The proposed changes should not impact traffic any more than currently permitted uses.

DONNA GOLTRY, Planning Staff, presented the staff report and showed slides. D.A.B. V voted to approve.

MCKAY Wasn't this up here not to long ago? Is the building going to be on the front half or the back half?

GOLTRY 100 feet of the north property line.

PHIL MEYER, Agent, indicated they were in agreement with staff comments. There is no condition for screening from this Parcel and Candlewood.

MCKAY The variance was for the whole ting?

MEYER Yes.

WANDA GUY We are not against the development we are concerned about the noise from the body shop. Is the setback going to be enough? The traffic is another concern access concern about the extra traffic. Is there any extra accommodations no access on Taft street from this development.

ROBERT DONOVAN Applicant, the larger building would be in the back. We are thinking it is going to be a body shop or a service department.

MEYER We do have access control on Taft. The car lot is less traffic.

GUY What about the noise?

MEYER There is a condition of approval. There is a condition about the doors and the hours of operation.

MOTION: To approve as recommended.

MARNELL moved, **WARNER** seconded the motion and it carried unanimously 10-0. (**BLAKE, BARFIELD, JOHNSON, COULTER** were absent)

9. **CON2001-00057** – Darrel & Paula Rau (owners); Brad Murray Rentals, LLC c/o Brad Murray; Verizon Wireless c/o Nancy Fulks; & Pixius Communications, LLC c/o Tim LeBlanc (applicants); Austin Miller, PA c/o Kim Edgington (agent) request a Conditional Use for a wireless communication facility on property described as:

A tract of land in the NE 1/4, Section 26, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas being more particularly described as follows: Beginning at the Northeast corner of said NE1/4; Thence South along the East line of said NE1/4 a distance of 1513.63 feet; Thence West at right angles to said east line of said NE1/4 a distance of 580.65 feet to the Point of Beginning; Thence N a distance of 100 feet; thence E a distance of 90 feet; Thence S a distance of 100 feet; Thence W a distance of 90 feet to the Point of Beginning. Generally located North of U.S. 54 and west of 327th Street West.

BACKGROUND: The applicant is seeking a Conditional Use to permit the construction of a 190-foot high self-support lattice tower (see attached "Site Elevation") by Brad Murray Rentals, LLC for use by Verizon Wireless and Pixius Communications, LLC. The proposed site is an unplatted tract zoned "RR" Rural Residential and located north of U.S. 54 and west of 327th Street West. Wireless Communication Facilities over 65 feet in height in the "RR" Rural Residential zoning district may be permitted with a Conditional Use.

The character of the surrounding area is agricultural. The properties surrounding the site in all directions are zoned "RR" Rural Residential and are used for agricultural and related residential purposes. The nearest residences are located approximately 350 feet southwest of the site, 530 feet east of the site, and 600 feet southeast of the site (see "1000' R Site Exhibit"). Each of these residences are oriented such that the front of the residence does not directly face the proposed tower.

The proposed tower would be sited approximately 600 feet west of 327th Street West and 800 feet north of U.S. 54 on a 9,000 square foot area located on a 5.77 acre tract containing agricultural buildings. Access to the site is proposed to be via a 20-foot wide access easement to 327th Street West. The applicant's site plan (see attached "Site Exhibit") depicts a 90-foot by 100-foot fenced compound. The tower is proposed to be located in the center of the compound, and the ground-level equipment is proposed to be located both north and south of the tower. The compound is proposed to be enclosed by six-foot high chain link fencing with barbed wire on top. Solid screening of the equipment compound is required by the Unified Zoning Code since the equipment compound is located less than 150 feet from the residentially-zoned property to the north. Since an existing hedge row exists north of the compound, an administrative adjustment could be granted to waive the screening requirement based on the existence of a natural vegative screen. Alternatively, a solid screening fence or solid evergreen vegetation could be provided around the equipment compound.

The application indicates that the proposed wireless communication facility is needed for Verizon Wireless to expand the coverage area of its wireless phone system along the U.S. 54 highway corridor west of Wichita (see "Intent to Co-locate" memo and "Existing

Coverage" and "Coverage at 180'" propagation plots). Verizon Wireless indicates that locating at 120 feet on an existing water tower in the City of Garden Plain does not meet its communication needs (see attached "Coverage at 120'" propagation plot).

The application also indicates that the wireless communication facility is needed for Pixius Communications, LLC to locate at a height of 190-feet on the tower (see attached letter dated October 29, 2001). The application does not document the communication need to be met by Pixius Communications, LLC locating antennas at 190-feet on the tower nor does the application provide documentation that the communication need cannot be met another way. Both are requirements of the Unified Zoning Code. Therefore, planning staff cannot recommend that the additional 10-feet in tower height for Pixius Communications, LLC be constructed at this time.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: No municipally supplied public services are required. The site will have access to 327th Street West, an unpaved section line road.

CONFORMANCE TO PLANS/POLICIES: The Wireless Communication Master Plan is an element of the Comprehensive Plan that outlines the guidelines for locating wireless communication facilities. The Location Guidelines of the Wireless Communication Master Plan indicate that new facilities should be located: 1) on multi-story buildings or other structures; 2) on existing poles in street rights-of-way, parking lots, or athletic fields; 3) on existing towers for personal wireless services, AM/FM radio, television, school district microwave antennas, and private dispatch systems; 4) in wooded areas; 5) on identified city and county properties; or 6) on highway light standards, sign structures, and electrical support structures. The Design Guidelines of the Wireless Communication Master Plan indicate that new facilities should: 1) preserve the pre-existing character of the area; 2) minimize the height, mass, or proportion; 3) minimize the silhouette; 4) use colors, textures, and materials that blend in with the existing environment; 5) be concealed or disguised as a flagpole, clock tower, or church steeple; 6) be placed in areas where trees and/or buildings obscure some or all of the facility; 7) be placed on walls or roofs of buildings; 8) be screened through landscaping, walls, and/or fencing; and 9) not use strobe lighting. The Unified Zoning Code requires wireless communication facilities to comply with a compatibility height standard of one foot of setback for each foot of structure height from adjoining properties zoned "TF-3" or more restrictive. This compatibility height standard can be reduced or waived through a Conditional Use or a Zoning Adjustment.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a monopole design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall be 180 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. An administrative adjustment to waive the screening requirement based on the existence of a natural vegetative screen shall be acquired prior to the issuance of a building permit. Alternatively, a solid screening fence or solid evergreen vegetation shall be provided around the equipment compound.
- F. Approval of the Conditional Use constitutes a reduction of the Compatibility Height Standard for the wireless communication facility from 180 feet to 140 feet for the property zoned "RR" Rural Residential to the north.
- G. Within 14 days of approval of the Conditional Use by the MAPC, a legal description of the 90-foot by 100-foot equipment compound shall be submitted to the Planning Director for inclusion in the Conditional Use Resolution.
- H. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
- I. Revised site plans and elevation drawings indicating the approved location and design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
- J. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- K. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- L. Any violation of the conditions of approval shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is agricultural. The properties surrounding the site in all directions are zoned "RR" Rural Residential and are used for agricultural and related residential purposes. The proposed wireless communication facility is consistent with the agricultural character and uses of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and is used for agriculture. Wireless communication facilities in excess of 65 feet in height in the "RR" Rural Residential

zoning district may be permitted as a Conditional Use, which should be subject to conditions of approval that maintain conformance with the Location/Design Guidelines of the Wireless Communication Master Plan.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The closest property developed with a residential use is single-family residence located approximately 350 feet to the southwest. The only impact to be noted at the time this report was prepared is the visual impact of a tower. The visual impact of the tower should be limited because the residence is oriented such that the front of the residence does not directly face the proposed tower. Additionally, the recommended "monopole" design of the tower should help limit its visual impact.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed wireless communication facility conforms to the Location Guidelines of the Wireless Communication Master Plan since there are no other towers or tall structures in the vicinity of the site which are available to accommodate the communication needs of the applicant. The proposed wireless communication facility conforms to the Design Guidelines of the Wireless Communication Master Plan the facility is consistent with the agricultural character of the area and the facility will be an unobtrusive color with a matte finish to minimize glare. Additionally, the recommended "monopole" design of the tower will minimize the mass, proportion, and silhouette of the facility, and the recommended 180-foot height of the tower will minimize its height. The proposed wireless communication facility does not comply with the compatibility height standard of the Uniform Zoning Code; however, the Unified Zoning Code provides for a reduction of the Compatibility Height Standard, as is recommended for this Conditional Use request.
5. Impact of the proposed development on community facilities: FAA approval should ensure that the proposed monopole does not detrimentally impact the operation of airports in the vicinity.

SCOTT KNEBEL, Planning Staff, presented the staff report and showed slides. There are some changes to the staff recommendation. For Item C, we now recommend a self-support lattice tower rather than a monopole tower. For item Item D, we now recommend a 190 foot tower rather limiting the tower to 180 feet. We also recommend adding Item E to require the lattice tower to be expandable to 250 feet. These changes also are recommended by the Garden Plain Planning Commission.

WARREN Waive Item F?

KNEBEL They would have to file a separate application to waive that screening.

WARNER What is the big deal over 180 to 190 feet and then go to 250 feet.

KNEBEL The zoning code has specific requirements that we don't have the authority to override. There is required information and we are required to have it. Since applicant did not provide the required information, we could not recommend 190 feet until the information, was provided shortly before the meeting.

WELLS Was there 250 foot request within a mile of this location?

KROUT It wasn't just a mile away, it was more like three or four miles away.

EDGINGTON The intent is to serve along the US54. We are in support of all of staff's comments. We would ask that staff would waive the screening requirement

MARNELL This is right along the highway. I think a monopole is more appropriate.

EDGINGTON The applicant would like the ability to extend this, and a monopole can't be extended. The Garden Plain Planning Commission recommended having the ability to extend the height of the tower.

HENTZEN How many more miles is it to Cheney? I have some people asking. They want the capacity.

EDGINGTON This will help.

KNEBEL You can expect to see an application for a tower near Cheney too.

MOTION: Approve subject to staff report and conditions stipulated by Garden Plain and ask staff to waive screening requirements.

WARREN moved, **HENTZEN** seconded.

SUBSTITUTE MOTION: Approve a 190-foot monopole without the requirement to be able to extend the height and subject to the rest of the conditions contained in the staff report.

MARNELL moved, but there was not a second.

The original motion was approved 91. (**MARNELL** opposed; **BLAKE**, **BARFIELD**, **JOHNSON**, **COULTER** were absent)

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10. **ZON2001-00074** – Ralph Rudy (owner); Austin Miller, Kim Edgington (agent) requests a Zone Change from "LC" Limited Commercial to "OW" Office Warehouse on property described as:

Lots 10, 23 and 24, Davis Gardens, Sedgwick County, Kansas. Generally located between Gow and Joann, north of Central; 715 and 723 North Gow, and 726 North Joann.

BACKGROUND: The applicant requests "OW" Office Warehouse zoning on three platted lots located between Gow and Joann, north of Central. The three lots are currently zoned "LC" Limited Commercial, and are developed with one metal building on each lot. One of the buildings is occupied while the other two are vacant. One potential tenant is a sign company, which requires the ability to do limited manufacturing in order to fabricate signage. The "OW" district permits limited manufacturing as a use by right. It is the opinion of the applicant that "OW" zoning would make these properties more marketable. The "OW" district is intended to provide office and warehousing space for the building trades and similar businesses with operating characteristics that do not require highly visible locations or vehicular access required by retail or high intensity office uses.

The applicant also owns the abutting lot to the north on Gow. This property was rezoned to "OW" in 1998, it is developed with a metal building similar to those on the application area, and houses a concrete products business. North of the application area on Joan are "SF-5" zoned lots developed with single-family homes. South of the application area, facing Central, are three "LC" zoned lots developed with a parking area, a restaurant, and an automobile electric shop. East of the application area on Gow are "GO" zoned lots developed with apartment buildings, a vacant "SF-5" zoned lot, and an "LI" zoned lot developed with manufacturing. West of the application area on Joann is an "LC" zoned lot developed with an insurance business, and "SF-5" zoned lots developed with single-family homes.

The neighborhood character is a mix of "LC" zoned businesses, some housed in metal buildings; "SF-5" zoned homes; "GO" zoned apartments; one "LI" zoned manufacturing facility; and one "OW" zoned metal building.

The proposed zone change, from "LC" to "OW" would require conformance to all property development standards in the Unified Zoning Code, and special "OW" district regulations in the Unified Zoning Code. (e.g. maximum area devoted to display and retail sales, outdoor display and sales is restricted to within ten feet of the building, limitations on the amount of outdoor storage, and screening requirements for material stored outdoors)

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH: "OW," "SF-5" concrete product business, single-family homes
SOUTH: "LC" restaurant, parking, automobile electric business
EAST: "GO," "SF-5," "LI" apartments, manufacturing, single-family homes
WEST: "LC," "SF-5" insurance business, single-family homes

PUBLIC SERVICES: The property is located along Gow and Joann, north of Central. Gow is a paved, two lane residential street. Joann is an unpaved, two lane residential street; no traffic counts or projections have been done for Gow or Joann. A zone change to "OW" could lower the potential traffic generated by the application area, as compared to the traffic that could be generated by uses currently permitted under the "LC" zoning.

The existing half-width right-of-way for Gow and Joann is 30 feet. No street projects are included in the C.I.P. for the immediate area. No utility easements exist within the application area.

City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "Commercial" and "Low Density Residential." The proposed update to the "Wichita Land Use Guide" identifies this area as "Commercial" and "Industrial," better reflecting the current zoning and land uses. The Unified Zoning Code defines the "OW" zoning district as generally compatible with the "Commercial" and "Industrial" designations of the Comprehensive Plan. The Plan encourages the protection of residential areas from the impact of high intensity uses by the use of buffers, set backs, and landscaping.

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." As the application area is currently zoned "LC," it is currently required to provide screening and deflect lighting from residential neighbors; a zone change to the "OW" district maintains the same requirements. "OW" zoning precludes some uses which could be more intensive than those uses permitted by "LC" such as night clubs, car washes, convenience stores, and indoor recreation and entertainment.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property abutting the application area to the north is zoned "OW," developed with a metal building similar to those on the application area, and used for a concrete product business. A zone change from "LC" to "OW" at the application area should not affect the character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as it is currently zoned. However, the large metal buildings on the application area could be better used for typical "OW" uses than for certain "LC" uses – such as retail sales.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "OW" zoning on this property will actually restrict the more intense uses permitted in the "LC" district. Approval of the requested zoning should not detrimentally affect nearby properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide," and it is in conformance with the commercial locational guidelines of the plan.
5. Impact of the proposed development on community facilities: A zone change at the application area to "OW" will permit less intensive uses, and generate potentially less traffic, than those uses currently permitted under the "LC" district. This zone change should not increase demands on community facilities.

JESS MCNEELY, Planning Staff presented staff report and slides. He stated that DAB VI recommended approval. There was concern by the public about hazardous chemicals and the potential for the lowering of property values in the single-family residential area. I received one letter from a resident on Gow stating they were against the request.

EDGINGTON Agent, indicated they were fully in agreement with staff on this.

GAROFALO Is it hazardous material?

EDGINGTON There is a sign company. One of the neighbors did say they had a problem with odor and that is a Health Department issue.

MOTION: Approve as recommended.

MARNELL moved, **HENTZEN** seconded the motion and it carried unanimously 10-0. (**BLAKE, BARFIELD, JOHNSON, COULTER** were absent)

11. Review/findings regarding the proposed City Capital Improvements Program for 2002-2011.

MATT JORDAN, The CIP has been underway for quite a while City Manager, City Council and D.A.B. have made presentation and agree with this plan and the last step is the City Council for final approval and recommendations. There is a time issue we need to get this document approved. The financing and funding is the property tax and the GO 10 mill from WCC. The local sales tax goes toward CIP most goes to the freeway program. Rock Road and Kellogg questions about these projects.

GAROFALO I didn't notice a Hydraulic project?

LACKEY 2002, 2003, 2005.

GAROFALO Harry/I-135 to George Washington Blvd. 2003 construction. we have gone to DAB with design possibility?

LACKEY Pawnee and Union Pacific yes.

MARNELL The program as it stands now, is it supported by the City Manager?

LACKEY He has not commented yet.

ANDERSON What is this line for enhancement projects?

LACKEY Federal government to do bicycle paths. There is a match, an 80-20 split.

ANDERSON How do you arrive at that?

LACKEY We use the bicycle path map that the Planning Department puts together.

ANDERSON What are "core area" facilities and who pays for these?

LACKEY Could be a parking garage. It could be land acquisition.

ANDERSON Tax- payers are paying for 100% of this.

LACKEY Yes.

ANDERSON Asked about a baseball complex at 29th and Greenwich Road and a National Guard building.

LACKEY The Guard facility is for joint training facilities for public safety and the Guard.

ANDERSON Aviation museum?

LACKEY We don't know where that is going yet, probably somewhere along the river corridor.

ANDERSON Police helicopter?

LACKEY The price has gone up.

ANDERSON If you are asking us to review this there is no indication of how we are going to do development of the airport.

KROUT If you want more details, we can have more people come here on another date.

ANDERSON In terms of community development, this is significant for the future of Wichita. I think it is important for this group that we should be looking at more of this, such as how we are going to find a water supply.

LACKEY The plan is to recharge the Equus beds.

ANDERSON I have asked some questions, but it would have been more helpful to have had a discussion on this. In planning for our community for the next 10 years this is an important document.

MICHAELIS We have a retreat coming up and maybe we can discuss some of this then. To take that report and write out an explanation would take a lot of time.

GAROFALO What is the time frame on this now? It won't get to Wichita City Council until when?

LACKEY We are hoping by next month.

ANDERSON It is important to get this approved to go to Wichita City Council. The planning process started last April.

WARNER The Wichita City Council is going to do what they want to do anyhow.

MICHAELIS Is this part of the Comp Plan? Is this in compliance with the Comp Plan?

KROUT The state statute says you must have the CIP reviewed by the planning commission to determine if the projects are in compliance with adopted plans.

MCKAY We have gone into more detail than we have typically done on this.

LACKEY These projects are in the Comp Plan to some degree.

GAROFALO Did the Advance Plans Committee come to any agreement?

MCKAY We just heard what you heard. I am sure that the staff can approve this or recommend this and City Council will decide what priority to set.

GAROFALO If there is a disagreement between Planning staff and Public Works?

BISHOP What we are supposed to do is simply to say these projects are not in compliance with the Comp Plan. If these are passed, they create an amendment to the Comp Plan.

KROUT Explained that there were some projects that are not in compliance with the adopted plan, however if the City Council approves a CIP that includes those projects, by state statute the Comp Plan is considered to be amended.

WARREN Most of this ought to take place at Advance Plans. We spend 3 or 4 hours in Subdivision meeting, maybe Anderson ought to be on Advance Plans.

BISHOP I would like to point out the fact that these inconsistent projects have not been discussed at the DABs.

MOTION: Find that projects listed by MAPD are not consistent with adopted plans, but the MAPC agrees that those projects should be included in the Capital Improvements Plan.

HENTZEN moved **JOHNSON** seconded.

BISHOP I object to this motion.

MCKAY They spend a lot more time on this then we do on the Comp Plan.

MARNELL I feel that the need to deal with drainage problems answered my questions at Advance Plans, and those projects are well justified.

ANDERSON I just don't feel like I have enough information on these projects, so I can't vote for this either.

HENTZEN All we are doing is finding the projects are in the CIP. All we are saying is to give them wider road. I don't think the Comp Plan should be that precise. I can look at the Comp Plan and give you lots of things that do not comply with it.

MOTION: passed 8-2. (**BISHOP, ANDERSON** opposed)

MOTION: The MAPC has found that the proposed annexation is consistent with the Comprehensive Plan.

MCKAY moved, **WARNER** seconded the motion, and it passed unanimously 10-0. (**BLAKE, BARFIELD, JOHNSON, COULTER** absent)

13. DR 00-12 Setting a public hearing date for the adoption of Oaklawn/South Wichita Haysville Neighborhood Plan.

MOTION: Set the public hearing for February 21st, 2002.

HENTZEN moved, **MCKAY** seconded the motion, it passed unanimously 10-0. (**BLAKE, BARFIELD JOHNSON, COULTER** absent)

MICHAELIS We do have a retreat coming up. Discussion about retreat topics with a target date of Friday, March 1, 10 a.m. to 4 p.m.

The Metropolitan Area Planning Department informally adjourned at 5:15 p.m.

State of Kansas)
Sedgwick County) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)